

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Fred Burgess v Donald Bernhardt**
Docket No. **268569**
L.C. No. **04-010786-CK**

E. Thomas Fitzgerald, Judge, acting under MCR 7.211(E)(2), orders:

The motion for reinstatement of appeal is treated as a motion to extend time to file appellant's brief because the appeal has not been dismissed.

The motion to extend time to file appellant's brief is DENIED and oral argument is not preserved. However, the Court of Appeals shall not dismiss this appeal until after October 5, 2006. If appellant's brief is not filed by that date, the Clerk's Office is directed to submit this matter for dismissal without further notice to the parties.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 20 2006

Date

Sandra Schultz Mengel
Chief Clerk